

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 2:22-mc-3959-ECM
	)	(WO)
ANTONIO OSCAR TATUM,	)	
	)	
Defendant.	)	

**ORDER**

Now pending before the Court is the United States' motion to authorize payment from inmate trust account (doc. 1) filed on January 13, 2022. In the motion, the Government requests the Court order the Bureau of Prisons to remit \$2,346.25 in non-exempt funds held in the inmate trust account belonging to Antonio Oscar Tatum to satisfy Defendant Tatum's restitution.

On March 26, 2019, the Defendant pleaded guilty to one count of theft of a firearm from a federal firearms licensee. *See United States v. Tatum*, 2:18-cr-109-MHT (M.D. Ala. 2019). On June 18, 2019, the Defendant was sentenced to 100 months of imprisonment. He was also ordered to pay an assessment in the amount of \$100, and restitution in the amount of \$2,321.25, "due immediately." (*Id.* at doc. 154). Thus, a lien in favor of the United States arose upon entry of judgment. 18 U.S.C. § 3613(c). The judgment can be "enforced against all property or rights to property" of the Defendant. 18 U.S.C. § 3613(a).

The United States represents that the Bureau of Prisons maintains in its possession, custody, or control in the inmate trust account of the Defendant approximately \$2,801.45.

The Defendant owes \$2,346.25 on his restitution obligation. Pursuant to 18 U.S.C. § 3664(n), “[i]f a person obligated to provide restitution, . . . receives substantial resources from any source, . . . during a period of incarceration, such person shall be required to apply the value of such resources to any restitution . . . still owed.” *Id.* Tatum remains obligated to pay restitution, he is obligated to apply the monies in his inmate trust account to satisfy his obligation. See *United States v. Giles*, 819 F. App’x 899, 899-900 (11th Cir. 2020); *United States v. Baxter*, 694 F. App’x 762, 762-63 (11th Cir. 2017).<sup>1</sup>

Accordingly, upon consideration of the motion, and for good cause, it is

ORDERED as follows:

1. The United States’ motion to authorize payment from inmate trust account (doc. 1) is GRANTED.

2. The Bureau of Prisons shall issue a check in the amount of \$2,346.25, made payable to the United States District Court, and mail it to Clerk of Court, United States District Court for the Middle District of Alabama, One Church Street, Suite B-110, Montgomery, Alabama 36104, in payment of restitution and representing non-exempt monies in Defendant Tatum’s inmate trust account.

Done this 21st day of January, 2022.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> While the Court recognizes that these opinions are unpublished and not binding, their analyses are persuasive.